

U.S. Patent Appln. No. 10/081,702
Amendment Dated March 22, 2007
Reply to Office Action of December 22, 2006
Docket No. BOC9-2001-0025 (271)

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action dated December 21, 2006 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies and to credit any overpayments to Deposit Account No. 50-0951.

In the Office Action, each of the claims was rejected on the basis of new grounds of rejection. Claims 1-33 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 7,003,546 to Cheah (hereinafter Cheah) in view of U.S. Patent No. 6,941,305 to Magouirk et al. (hereinafter Magouirk).

Applicants' Invention Predates Magouirk

As previously stated, claims 1-33 were rejected as unpatentable over Cheah in view of Magouirk. Applicants disagree and respectfully assert that Cheah, in combination with Magouirk, fails to disclose each and every element of claims 1-33. However, Applicants respectfully assert that the rejection in the Office Action of claims 1-33 is moot, as Applicants' invention predates the November 19, 2001, priority date of Magouirk.

Applicants conceived of their invention at least as early as April 4, 2001, and actively pursued its reduction to practice from a date prior to the effective date of Magouirk. In support of their assertion, Applicants submit the Declarations attached hereto. The Declarations establish conception and continuing diligence by Inventors Fitzpatrick and Wu from a time prior to the effective date of Magouirk to the filing of the Application.

Along with the Declarations, Applicants also submit herewith a copy of Confidential Invention Disclosure No. BOC8-2001-0031, entitled *Connecting Companies*

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via Common Attributes Contained in Public Registries (hereinafter Disclosure). The Disclosure was submitted on April 4, 2001, by Applicants to an intellectual property (IP) professional employed by the assignee of Applicants' invention, IBM. The Disclosure was insubstantially modified on April 18, 2001. No modifications were subsequently made to the Disclosure. The Disclosure explicitly describes Applicants' invention. The written description provided in the Disclosure is clear evidence of Applicants' conception of the claimed subject matter at least as early as April 4, 2001.

The Disclosure is an IBM confidential disclosure form. It is a standardized document that, according to established IBM procedures, is used by IBM inventors to document the conception of an invention. Strictly-followed internal procedures established by IBM govern the use of all such confidential disclosure forms. One aspect of IBM's established procedures governing the use of such confidential disclosure forms is that no substantive modifications can be made to a confidential disclosure after it has been submitted to an IBM Attorney/IP Professional.

The written description, drawings, and each of the claims of the Application were prepared based upon the Applicants' attached Disclosure. Moreover, according to IBM's established procedures governing the use of such disclosures, the inventors reviewed the Application prior to its submission to the U.S. Patent and Trademark Office in order to ensure that the claims and written description contained therein were fully supported by the Disclosure. In support of Applicants' diligence and review of the present application,

Applicants exercised due diligence from prior to the effective dates of Magouirk to the date that the Application was filed. As expressly affirmed in the Declarations, Applicants from at least April 4, 2001, through the filing of the Application, worked diligently toward a constructive reduction to practice of the invention, first with IBM's

own in-house IP professionals, and then with outside counsel retained by IBM to prepare and file the Application.

Outside counsel prepared the Application consistent with long-established professional practices, according to which cases are prepared on a first-in, first-out basis unless a particular application is associated with a bar date; those applications associated with dates are granted priority within the work queue. Outside counsel followed this professionally-accepted practice in preparing the Application in this case.

As further evidence of Applicants' and outside counsel's diligence, Applicants herewith submit a copy of a letter (Exhibit "A"), dated November 15, 2001 from outside counsel forwarding a draft of the application to Applicants for review and a copy of an email (Exhibit "B"), dated January 25, 2002 from Applicants to outside counsel providing comments after extensive review by both inventors. Applicants also herewith submit a copy of a letter (Exhibit "C"), dated February 7, 2002 from outside counsel forwarding a final draft of the application to Applicants for review and a copy of the oath signed (Exhibit "D") by both inventors prior to filing of the present application on February 22, 2002.

Therefore, in view of the Inventor's Declarations and other documents provided in support of Applicants' diligence, Applicants respectfully submit that Applicant's invention predates the November 19, 2001 priority date of Magouirk and precludes citing Magouirk to support any rejection in the present application.

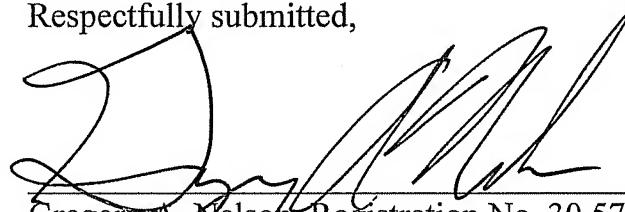
Accordingly, Applicants respectfully submit that the remaining cited reference, Cheah, separately or in combination with any citable reference of record, fails to disclose or suggest each and every element of the claimed invention. Applicants respectfully submit, therefore, that claims 1-33 each define over the cited art of record and are patentable on their own merit over Cheah and are in a form for allowance.

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CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Gregory A. Nelson, Registration No. 30,577
Richard A. Hinson, Registration No. 47,652
Eduardo J. Quiñones, Registration No. 58,575
AKERMAN SENTERFITT
Customer No. 40987
Post Office Box 3188
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Date: August 28, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: FITZPATRICK et al.

Confirmation No.: 1267

Application No.: 10/081,702

Date Filed: February 22, 2002

Group: 3629

Examiner: Fisher, Michael J.

Docket No.: BOC9-2001-0025(271)

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Gregory P. Fitzpatrick, a citizen of the United States, residing in Keller, Texas, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Armonk, New York at the time the above-identified application was conceived. I make this declaration in support of the above-identified application.

2. IBM has invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).

3. As a named co-inventor for this invention, I and my co-inventor prepared and submitted the attached Invention Disclosure No. BOC8-2001-0031 (hereinafter "Invention Disclosure") pursuant to IBM guidelines.

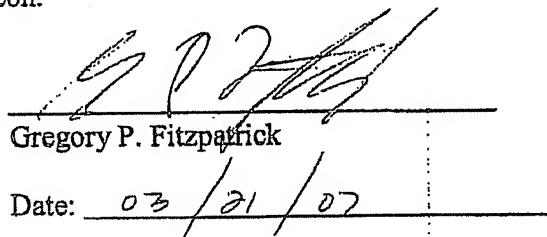
4. The Invention Disclosure was originally submitted for consideration to an IBM Attorney/Patent Professional for preparation of a patent application on April 4, 2001, and was insubstantially modified on April 18, 2001. The content of the Invention Disclosure has not been subsequently modified. The Invention Disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully supported by the

Invention Disclosure in light of the Invention Disclosure and art known at the time of the disclosure.

5. I diligently worked with outside counsel to prepare and file the above-mentioned patent application.

6. I make this Declaration to establish that my co-inventor and I conceived of the present invention at least as early as April 4, 2001, and exercised due diligence from that date to the date of filing for the above-identified patent application.

7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.



Gregory P. Fitzpatrick

Date: 03 / 21 / 07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: FITZPATRICK et al.

Confirmation No.: 1267

Application No.: 10/081,702

Date Filed: February 22, 2002

Group: 3629

Examiner: Fisher, Michael J.

Docket No.: BOC9-2001-0025(271)

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Frederick Yung-Fung Wu, a citizen of the United States, residing in Greenwich, Connecticut, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Armonk, New York at the time the above-identified application was conceived. I make this declaration in support of the above-identified application.

2. IBM has invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).

3. As a named co-inventor for this invention, I and my co-inventor prepared and submitted the attached Invention Disclosure No. BOC8-2001-0031 (hereinafter "Invention Disclosure") pursuant to IBM guidelines.

4. The Invention Disclosure was originally submitted for consideration to an IBM Attorney/Patent Professional for preparation of a patent application on April 4, 2001, and was insubstantially modified on April 18, 2001. The content of the Invention Disclosure has not been subsequently modified. The Invention Disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully supported by the

Invention Disclosure in light of the Invention Disclosure and art known at the time of the disclosure.

5. I diligently worked with outside counsel to prepare and file the above-mentioned patent application.

6. I make this Declaration to establish that my co-inventor and I conceived of the present invention at least as early as April 4, 2001, and exercised due diligence from that date to the date of filing for the above-identified patent application.

7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

Frederick Yung Fung Wu
Frederick Yung Fung Wu
Date: March 21, 2007

SC8-2001-0031

Disclosure BOC8-2001-0031

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By: Greg Fitzpatrick Created On: 04/04/2001 03:06:53 PM

Last Modified By: Greg Fitzpatrick Last Modified On: 04/18/2001 08:31:45 AM

Required fields are marked with the asterisk (*) and must be filled in to complete the form.

*Title of disclosure (in English)

Connecting Companies via Common Attributes Contained in Public Registries

Summary

Status	Under Evaluation
Processing Location	BOC
Functional Area	Global Sales/Operation/Bus Technical Support (Blueridge)
Attorney/Patent Professional	Richard J. Foley/Boca Raton/IBM
IDT Team	Jim Rooney/Dallas/Deedale/IBM
Submitted Date	04/06/2001 04:12:15 PM EDT
Owning Division	IPG
Incentive Program	
Lab	
Technology Code	
PVAT Score	Not yet a score has been calculated. To calculate a PVAT score, press the calculate button.

Inventors with a Blue Pages entry

Inventors: Greg Fitzpatrick/Dallas/IBM, Frederick y Wu/Watson/IBM

Inventor Name	Inventor Serial	Div/Dept	Inventor Phone	Manager Name
> Fitzpatrick, G.P. (Greg) Wu, Frederick	3602615 366854	9M/GBA 22790	502-3940 852-2498	Clayton H. (Ran) Goodwin (Chair)

> denotes primary contact

Inventors without a Blue Pages entry

IDT Selection

Select Functional Area

IDT Team:	Jim Rooney/Dallas/Deedale/IBM	Attorney/Patent Professional:	Richard J. Foley/Boca Raton/IBM
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Response Due to IP&L : 05/18/2001

*Main Idea

1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

Disclosure BOC8-2000-0100 ('Connecting Persons Through Common Contacts') and related disclosures addressed the need for persons to find common contacts in order to facilitate business and personal relationships. However, businesses have similar needs which currently have no analogous solution.

For instance, it might be very useful for IBM to know that IBM customer Michelin is partnered with webMethods for B2B integration and with Oracle for Financials. Two 'peer' companies who currently don't do business might like to know that they have a supplier or customer in common, even though they might consider their supplier and customer lists private, in general. Lastly is the case of corporate officers. Many deals happen between company A and company B because persons on the board of each company serve together on the board of company C. Despite this need, no facility exists to enable this kind of corporate match-making.

2. How does the invention solve the problem or achieve an advantage,(a description of "the invention", including figures inline as appropriate)?

Emerging business registries like UDDI (www.uddi.org) describe a set services by which corporations may register information about themselves as well as perform limited, specific queries about target corporations to obtain information like 'What XML standard does Company X use to accept purchase orders?'. Also, APIs in the form of 'find_xx' allow search criteria to be used against a UDDI registry to return entries that meet that criteria.

So, a corporation can find a list of other corporations that claim to be in the 'internet backbone' business, for example.

What is missing is the ability for two or more companies to be connected (by either an explicit or passive/automatic search) via common attributes.

It is this matching function which is the core novel function of this invention and it operates as follows:

Either explicitly or passively, a corporation initiates a process which seeks to discover attributes it may have in common with another (or several other) corporations. This process consists of a software application which may run as an Internet service, or privately within a corporation's VPN.

The process initiates searches of business registries (like UDDI) by utilizing published APIs. It may perform an exhaustive search of all criteria (business information entities) provided by the initiating corporation against all analogous attributes provided to the business registry by the target corporation(s) or against a list of (subset of all published) attributes, supplied by the initiating corporation.

The process further consists of executing matching algorithms against the results returned from the API calls in the previous steps. Matching may be exact or fuzzy and may involve language translation in order to produce useful results. The results may take the form of lists of common attributes that were found among the companies listed, e.g., common boards of directors members, common customers, etc.

Importantly, the invention contemplates that this searching may be performed to an arbitrary level of depth. For instance, If Company A initiates the search against companies B & C, perhaps no interesting matches will be found. However, say that Company C has a reference to a supplier (Company D) contained in its registry entry. The invention can perform a search against Company D's entry and discover a common attribute between Company A and Company D. Such a match may well encourage commerce between A and D. Further, the match may encourage a new relationship between A and C. (Should D now become a supplier to A, for example, now both A and C share supplier D).

In another embodiment, this invention enables a company to discover other companies with common attributes that are considered private. The exposure of private data to others is controlled in multiple ways. In the most straightforward method, each company selects categories (possibly arranged in a hierarchy) of companies that are permitted to access segments of their data. For example, a manufacturer might choose to expose its supplier list to shipping companies, but not to competitors in the same industry. A form of selective data exposure that is key to this embodiment is through commonality. A company can choose to expose certain of its attributes only to other companies that have those attributes in common. For example, suppose company A has customers C1, C2 and C3, and company B has customers C2, C5, and C6; both post their customer lists on a public registry with this "common attribute" privacy condition. Then company A would be able to find out that it has a customer (C2) in common with company B, but would not be able to view company B's entire customer list.

In practice, the "common attribute" privacy condition will require accuracy of each participating company's attributes. (Otherwise, a company could post false attributes for the express purpose of discovering other companies' private attributes through false matches.) Since most public registries are not expected to take responsibility for the accuracy of data provided by participating companies, the companies will require some means of demonstrating the authenticity of their published attributes. This can be accomplished by independent third parties, in much the same way that certificate authorities presently guarantee the identities of World Wide Web users. A company could obtain a certificate that guarantees the validity of its attribute data. A public registry could require such certification, or allow participants to restrict matching on private attributes to those companies that have provided certification.

In summary, this invention provides a means to improved commerce among corporations by discovering previously unknown common attributes.

3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better?

No alternatives known.

4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation.

N/A

***Critical Questions (Questions 1-9 must be answered in English)**

***Question 1**

On what date was the invention completed? 04/03/001. Please format the date as MM/DD/YY.
A workable means are when you know that your solution will solve the problem.

***Question 2**

Has anyone planned or actioned publication or disclosure of your invention to anyone outside IBM?

Yes _____
No _____

If yes, enter the name of each publication or patent and the date published below:

Publication/Patent: _____
Date Published or issued: _____

Are you aware of any publications or disclosure that relate to this invention?

Yes _____
No _____

If yes, enter the name of each publication or patent and the date published below:

Publication/Patent: _____
Date Published or issued: _____

***Question 3**

***Question 4** [Redacted]

What is the last date you received a payment from your vendor? [Redacted]

YES / NO / DATE Please format the date as MM/DD/YY

***Question 5**  If you have any concerns about the way you have been treated by your employer, you can discuss your concerns with the Health and Safety Executive (HSE) or the Health and Safety Commission (HSC). 

***Question 6**
Has the invention in anyway started to develop in a government project?

***Question 7**
What do you consider to be the course of any critical juncture development in your life that has had a significant impact on your life? (Please be as specific as possible.)

***Question 8**

DO YOU CONCERNED WITH THE WAY YOU ARE TREATING YOURSELF
SIMPLY TELL ME HOW YOU FEEL
IN A FEW WORDS

***Question 9** 

If yes, please provide the product or service(s) you offer in the space below:

Question 10

What type of organization are you? (check all that apply)

- Manufacturer of enterprise servers
- Manufacturer of enterprise systems
- Manufacturer of software
- Distributor of PCs
- Non-computer hardware
- Developers of operating systems
- Developers of networking software
- Developers of application software
- Integrated support providers
- Service providers
- Other (Please specify below)

Question 11

What type of business do you offer? (check all that apply) (Please provide a brief description of your services)

Provide a brief description of this product or service by the industry and application area it serves (check all that apply) (Please provide a brief description of your services)

What is the approximate size of your organization? (In dollars) (Please provide a brief description of your services)

Question 12: How is the technical support provided?

Question 13: How is the technical support provided?

Question 14: What is the technical support provided?

Question 15: What is the technical support provided?

Question 16: What is the technical support provided?

Question 17: What is the technical support provided?

Question 18: What is the technical support provided?

Question 19: What is the technical support provided?

Question 20: What is the technical support provided?

Question 21: What is the technical support provided?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Question 4: Does it result in dependence of IBM?

Post Disclosure Text & Drawings
[REDACTED] [REDACTED] [REDACTED]

(Form Revised 12/17/97)

EXHIBIT "A"

AKERMAN SENTERFITT
ATTORNEYS AT LAW

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PHONE (561) 653-5000 • FAX (561) 653-5333
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Direct Dial No.: (561) 671-3658
kcuenot@akerman.com

November 15, 2001

Mr. Greg P. Fitzpatrick
IBM Corporation
7 Campus Circle
Roanoke, TX 76262

Re: New Patent Application
METHOD AND SYSTEM FOR CONNECTING BUSINESSES THROUGH
COMMON INTERESTS
IBM Docket No.: BOC9-2001-0025; Our Docket No.: 6169-271

Dear Greg:

Enclosed please find a draft of a patent application for the above-identified matter. Please review it carefully to ensure that the description of the invention accurately recites all of the invention's characteristics in the broadest possible manner, while also explaining, in detail, the preferred embodiment of the invention. The drawings should also be reviewed to confirm that they accurately depict the various details of the invention as you understand them. Finally, please read through the numbered claims at the end of the application. The claims will define the scope of protection any patent issuing from this application will provide. Accordingly, you should review them to ensure that they do not unduly restrict the scope of the invention by including any unnecessary detail. After you have reviewed the application, please call me with any comments you may have.

Please recall that patent applicants have a duty to disclose to the United States Patent Office all reasonably pertinent prior art of which they are aware. Failure to do so can jeopardize the validity of any patent issuing from an application. Accordingly, should you become aware of such references at any time during the pendency of this application, please let us know.

Very truly yours,

AKERMAN SENTERFITT



Kevin T. Cuenot

KTC/aa
Enclosures

cc: Mr. Frederick Wu (w/enclosures)

WP067536;1

AKERMAN, SENTERFITT & EIDSON, P.A.

FORT LAUDERDALE • JACKSONVILLE • MIAMI • ORLANDO • TALLAHASSEE • TAMPA

EXHIBIT "B"

6169-271

From: "Greg Fitzpatrick" <gfitz@us.ibm.com>
To: <kcuенot@akerman.com>
Date: 1/25/02 2:25PM
Subject: Docket 6169-271

Hi Kevin.

This note is in reference to application "Method and System for Connecting Businesses Through Common Interests" (IBM Docket BOC9-2001-0025). I apologize for taking so long to respond to your initial draft. Below are my and Fred Wu's combined response to your excellent first draft.

There are just a few items to change:

- ✓ First a typo: Page 6, line 18 has extraneous words "the a".
- ✓ Second: We are really describing two distinct search modes. The first is accurately captured in Claim 1. In this mode the user is searching for businesses that have one or more attributes in common with his own. In the second mode, the user is instructing the search engine to examine the profiles (attributes) of one or more businesses to locate references to other businesses, and then look in those "referenced" businesses' profiles for attributes in common with the user's business. If this is truly a distinct mode, then Claim 4 perhaps should be revised. Claim 4 can still be a dependent claim of Claim 1; however, the term "said found business" is inappropriate because none has yet been found. Perhaps Claim 4 could look like this:

4. The method of claim 1, wherein said searching step comprises:
responsive to a query from an inquiring business, such query specifying one or more businesses and one or more attributes,
accessing in the business registry the profiles of the selected businesses;
searching said business profiles for references to other "referenced" businesses;
searching the profiles of said referenced businesses for attributes corresponding to said query.

Summary If this revised wording is more accurate, then corresponding changes would be needed on page 2, lines 25-28 and page 9, lines 17-27.

- ✓ Third: The claims do not explicitly state that the queried attributes of the found businesses must be in common with those of the inquiring business. We felt that without this requirement companies would be unwilling to reveal their data. Perhaps a method and system with this restriction should be added as a dependent claim.

Once you've made these changes, we're confident that you've captured the scope of our invention, so another draft is not required. You can formalize this application and take the standard next steps with IBM Intellectual Property for our signatures.

Thanks for your help.

Greg Fitzpatrick
I/T Architect

AKERMAN SENTERFITT
ATTORNEYS AT LAW

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February 7, 2002

Mr. Greg P. Fitzpatrick
IBM Corporation
7 Campus Circle
Roanoke, TX 76262

Re: New Patent Application
METHOD AND SYSTEM FOR CONNECTING BUSINESSES THROUGH
COMMON INTERESTS
IBM Docket No.: BOC9-2001-0025; Our Docket No.: 6169-271

Dear Greg:

Enclosed please find a final draft of the above-identified patent application together with the Declaration and Power of Attorney, Assignment and Oath and Assignment for Taiwan. If the application is acceptable, please sign and date the enclosed documents where indicated and instruct the other inventors to do the same. Please note that pursuant to IBM's request, all of the signatures must be contained on the same page(s). In addition, pursuant to IBM's request, we must receive the originally executed Oath and Assignment for the Republic of China. Once the documents are fully executed, please fax the documents to me at 561-659-6313 along with mailing the originals to the address listed above.

Please feel free to contact me if you should have any questions or comments.

Very truly yours,

AKERMAN SENTERFITT

Kevin T. Cuenot

Kevin T. Cuenot

KTC/aa
Enclosures

WP076968;1

AKERMAN, SENTERFITT & EIDSON, P.A.

FORT LAUDERDALE • JACKSONVILLE • MIAMI • ORLANDO • TALLAHASSEE • TAMPA

OATH AND ASSIGNMENT

1. The undersigned, Gregory P. Fitzpatrick and Frederick Yung-Fung Wu

Citizens of: United States

residing at: 1527 Sweetgum Circle, Keller, TX 76248-3208
146 Cat Rock Road, Greenwich, CT 06807

hereby undertakes that the invention/new utility model/new design entitled

**METHOD AND SYSTEM FOR CONNECTING
BUSINESSES THROUGH COMMON INTERESTS**

was truly invented by us. The undersigned understands that willful false statements are punishable by law.

2. The undersigned hereby assigns all his/her rights and interests regarding the invention/new utility model/new design as far as the Republic of China is concerned to

INTERNATIONAL BUSINESS MACHINES CORPORATION

(hereinafter called "Assignee"), a corporation organized and existing under the laws of the States of New York, USA;

and located at New Orchard Road, Armonk, NY 10504, USA;

and does hereby declare that the Assignee is entitled to applying for and obtaining patent rights on the invention/new utility model/new design in its own name in the Republic of China.

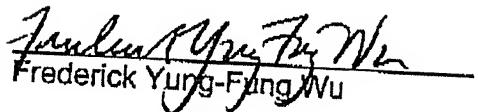
Signature

Date



Gregory P. Fitzpatrick

2/18/02



Frederick Yung-Fung Wu

2/22/02

Docket No. BOC9-2001-0025 (271)